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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,354	06/15/2005	Andras Montvay	DE 020298	7351

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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WOO, STELLA L

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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02/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/539,354

**Applicant(s)**

MONTVAY ET AL.

**Examiner**

Stella L. Woo

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/16/2007</u> .   | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 (lines 15-16) recites a computer program not claimed as embodied in computer-readable media.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 4,838,275) in view of Shimura et al. (US 6,110,108, hereinafter "Shimura").

Regarding claim 1, Lee discloses a telematic system (home medical surveillance system) arranged for enabling an automatic reconnection support, said system comprising an operator-controlled receiving station (central surveillance and control office SCO; Figure 1) arranged to communicate (routine diagnostic sessions; col. 15, line 39 - col. 16, lines 51) according to a communication protocol with a plurality of remotely arranged calling stations (patient subscriber apparatuses 10a-10c) comprising

a first calling station (patient subscriber apparatus 10a) and a second calling station (patient subscriber apparatus 10b), said receiving station (SCO) being further arranged to enable an interrupt (emergency session; col. 8, lines 13-26; col. 16, lines 52-68) in the communication protocol with the first calling station (one of apparatuses 10a-10c) upon receipt of an interrupt request from the second calling station (another of apparatuses 10a-10c) in order to establish a connection to the second calling station (col. 16, lines 52-68), characterized in that the receiving station comprises information means (an automatic announcer informs any patients undergoing routine sessions that their sessions are being interrupted and to await further instructions; col. 20, lines 9-13).

Lee differs from claim 1 in that it is the observer who turns on the automatic announcer, not a computer program. However, Shimura, from the same field of endeavor, teaches the well known use of a computer program for controlling the interruption and connection operations (note "PROGRAM FOR INTERRUPTION & CONNECTION" store on hard disk 16 in Figure 1) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a computer program, as taught by Shimura, for automating the interruption and connection operations in the system of Lee.

Regarding claim 5, an emergency signal is detected from any patient subscriber (col. 20, line 9).

Regarding claim 6, a priority level is assigned to an emergency (col. 19, line 67 – col. 20, line 6).

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Shimura, as applied to claim 1 above, and further in view of Clawson (US 6,004,266).

The combination of Lee and Shimura differs from claims 2-4 in that it does not specify carrying out a background interaction with the first calling station, selecting from a plurality of messages or transmitting workflow instructions. However, Clawson teaches the desirability of incorporate the above features (col. 4, line 15 – col. 5, line 25; col. 6, lines 51-65) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a computerized database of emergency medical inquiries and instructions in order to provide a systematic gathering of patient information and scripted instructions to the operator, thus, improving the accuracy and appropriateness of the medical response.

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Clawson for the same reasons given above with regard to claims 2-4.

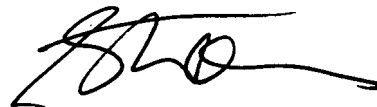
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a stylized flourish extending to the right.

Stella L. Woo  
Primary Examiner  
Art Unit 2614